RULING FRIDAY ON SHAW TRIAL

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Haggerty to Decide on Change of Venue

Judge Edward A. Haggerty Jr. says he will rule at 10 a.m. Friday whether Clay L. Shaw must stand trial in New Orleans.

Final arguments in the change of venue hearing for Shaw were submitted and the defense maintained that "uncontroverted evidence" was presented showing that a public controversy exists, asserting "we are entitled to get as far away as we can possibly go . . . to as remote a community as possible."

Asst. Dist. Atty. James Alcock, arguing for the state, accused the defense of having "tricked" witnesses into making statements that they had an opinion concerning the charge against Shaw.

Shaw, retired International Trade Mart executive, is facing trial on a charge that he participated in a conspiracy to assassinate President John F. Kennedy.

The testimony of 80 prospective criminal district court jurors who were called as witnesses during the hearing was used by both the defense and the state to support their arguments.

William Wegmann, who presented the defense argument, said that 75 to 80 per cent of the prospective jurors " technically lied" on the witness stand because they did know how to answer the questions honestly.

"These people were in their own opinion doing their level best to answer honestly," said Wegmann, adding their testimony resembled a game of tic-tac-toe as the questioning moved from the judge to defense to state.

He said they would tell the judge they had no opinion one way or the other; tell the defense they did have an opinion, and then tell the state they had no opinion.

The defense is seeking the change of venue because it says pretrial publicity in New Orleans precludes Shaw's chance of getting a fair trial here.

Pointing out that the 80 witnesses testified that they had heard about the case via newspapers, television or radio, Wegmann said that from the moment it was announced that Shaw had been arrested, the case has become a cause celebre.

The case, he maintained, "has become a public battle," and the "public wants to know what the hell, excuse the French, it's all about."

He told the court that one of the problems in holding the trial in New Orleans will be getting a jury, and he added that if the judge applies strict laws of challenge, it will become necessary "to pull people off the street" for jury duty.

Referring to the "continual boil of the controversy in the public press," he also argued that it is difficult for the average citizen to make a legal distinction in his mind between the Shaw case, the Warren Report and the assas-

Cont. in Sec. 1, Page 2, Col. 4

Continued from Page 1

sination probe by District Attorney Jim Garrison. (Judge Haggerty maintained throughout the hearing that the three must be kept as separate and distinct subjects.)

Recalling the testimony earlier in the hearing of George W. Healy Jr., executive editor of The Times-Picayune and the New Orleans States-Item, Wegmann said Healy was a man of above average intelligence, with an above average knowledge of the courtroom and an above average awareness of the news, and, said Wegmann, he testified that the three subjects for news purposes are "all one and the same."

"To the people of New Orleans", he continued, "they are all one and the same."

Alcock, whose closing argument took only about 10 minutes, said he had the impression from the defense that Shaw could not get a fair trial and that a moratorium should be declared.

He argued that those persons directly involved with the case "read everything that is written about it, devour everything we see," but he said it is "not logical to assume that the man on the street is as keenly aware as we are" about the case.

He said that the appearances on the witness stand of the 80 jurors "demonstrated clearly that here Shaw could get a fair trial." Referring to various magazine and newspaper stories, books, television programs and a movie which witnesses were quizzed about, Alcock said the majority of the witnesses had never seen the documents in question. "This is indicative of what degree they are following the case," he said.

He said public interest in the case "has waned to such a degree that Mr. Shaw and the State of Louisiana can get a fair trial."

Alcock added the majority of witnesses testified, under questioning by the state, that they hadn't heard enough facts.